

## NO. 3108

**AN ORDINANCE AMENDING SECTIONS 020 AND 070  
OF TITLE 8, CHAPTER 40 (NOXIOUS WEEDS AND  
REFUSE) OF THE LIVONIA CODE OF ORDINANCES,  
AS AMENDED.**

THE CITY OF LIVONIA ORDAINS:

Section 1. Section 020 of Title 8, Chapter 40 of the Livonia Code of Ordinances, as amended, is hereby amended to read as follows:

**8.40.020 Noxious or poisonous weeds—Varieties designated—Prohibited.**

It is unlawful for the owner or occupant or any person having control or management of any lot, place, area or parcel of land within the city to permit or allow the presence thereon, or on any portion thereof, of noxious or poisonous weeds of any kind. For purposes of this ordinance, the term “noxious weeds” shall include, but not limited to: dodders, morning glory, mustards (charlock, black mustard, and Indian mustard, species of Brassica or Sinapis), wild carrot, bindweed, perennial sowthistle, hoary alyssum, giant hogweed, ragweed, quackgrass, whitetop, perennial peppergrass, thistle (Canada, plumeless, musk and bull), spotted knapweed, Russian knapweed, bindweed (field and hedge), yellow nutsedge, chufa, leafy spurge, serrated tussock, horsenettle, Johnsongrass, puncturevine, poison ivy and poison sumac, as well as any other plants designated by the Michigan Department of Agriculture and Rural Development (MDARD), the Department of Health or the Director of Inspection as being poisonous and/or injurious; provided, however, that nothing in this chapter shall apply to fields devoted to growing any small-grain crop such as wheat, oats, barley or rye. The presence of such weeds upon any lot or parcel of land within the limits of the city is declared to be a public nuisance.

Section 2. Section 070 of Title 8, Chapter 40 of the Livonia Code of Ordinances, as amended, is hereby amended to read as follows:

**8.40.070 Notice to remove weeds and refuse--Form--Publication required.**

It is hereby made the duty of the Director of the Inspection department to give general notice to every owner or occupant, or any person having control or management of any subdivided land or lots, as provided in Section 8.40.060, wherein noxious weeds, or any weeds, grass, brush or deleterious, unhealthful growths exceeding a height of nine (9) inches, or any refuse or debris are growing, standing or present, to cut down, destroy or remove same. Such general notice shall be made by publication in the official newspaper of general circulation in the city during the month of March of each year, and shall read substantially as follows:

**CITY OF LIVONIA  
NOTICE OF THE PROVISIONS OF THE  
NOXIOUS WEED AND REFUSE ORDINANCE**

To: All owners, occupants or possessors of subdivided lands or lots:

**NOTICE IS HEREBY GIVEN** that in accordance with Title 8, Chapter 40 of the Livonia Code of Ordinances, as amended, of the City of Livonia, all noxious weeds, or other weeds, grass, brush or deleterious, unhealthful growths exceeding a height of nine (9) inches, or any refuse or debris growing, standing or lying upon any property in the City of Livonia shall be cut down, destroyed or removed as the case may be, by May 1st of each year and as many times thereafter as may be necessary. If any noxious weeds or other weeds, grass, brush or deleterious, unhealthful growths exceeding a height of nine (9) inches, or any refuse or debris, growing, standing or lying upon any property in the City so ordered to be cut down, destroyed or removed by May 1st, as aforesaid, have not been removed by the owner or occupant of the premises, then the City of Livonia is hereby authorized to enter upon the land and destroy, cut down or remove said noxious weeds, grass, brush or deleterious, unhealthful growths exceeding a height of nine (9) inches, or any refuse or debris growing, standing or lying upon any property in the City at the expense of the owner or occupant of said land. The City may cut down, destroy or remove noxious weeds, or other weeds, grass, brush or deleterious, unhealthful growths exceeding a height of nine (9) inches or any refuse or debris, growing, standing or lying upon any property in the City as many times as is necessary and charge the costs to the property owner.

In the event the owner or occupant, or any person or persons, agent, firm or corporation having control or management of any subdivided land in any subdivision in which buildings have been erected on sixty percent (60%) of the lots included in that subdivision and where such subdivision has a residential zoning classification of R-1, R-2, R-3, R-4, R-5, R-6 or R-U-F, or the owners or occupants, or any person or persons, agent, firm or corporation having control or management of any property, regardless of zoning classification, which abuts or is adjacent to the aforementioned subdivisions for a depth of two hundred (200) feet, or the owners or occupants, or person or persons, agent, firm or corporation, having control or management of any property, regardless of zoning classification, which abuts or is adjacent to any developed public park or any developed school or college grounds, whether public, private or parochial, for a depth of two hundred (200) feet, or the owners or occupants, or person or persons, agent, firm or corporation having control or management of any property, regardless of zoning classification, along all improved streets in common usage for a depth of two hundred (200) feet or the depth of the property, whichever is less, shall fail, refuse or neglect to comply with the above-mentioned ordinance, the City shall cause said noxious weeds, grass, brush

ordeleterious, unhealthful growths exceeding a height of nine (9) inches, or any refuse or debris, growing, standing or lying upon any property in the City to be cut down, destroyed or removed. Provided, further, that any lands which are situated within the floodplains of any natural streams or watercourses, or any area between the lower or upper banks of such streams or watercourses, shall be exempted from the provisions of this ordinance. All expenses incurred by the City in the cutting, destruction or removal of same, will be levied and collected against such property in the manner provided by law. The expenses incurred in cutting, destruction, or removal of all noxious weeds, or other weeds, grass, brush or deleterious, unhealthful growths exceeding a height of nine (9) inches, or any refuse or debris growing, standing or lying upon any property shall include, but are not limited to, an administrative charge of seventy-five (\$75.00) dollars for each of the first two instances in a calendar year of cutting, destruction, or removal, which administrative charge shall increase to one hundred twenty-five (\$125.00) dollars for the third and each subsequent instance of cutting, destruction, or removal required in the same calendar year.

Failure to comply with the requirements set forth in Title 8, Chapter 40 of the Livonia Code of Ordinances, as amended, may also result in the prosecution for same, and liability to the extent of the penalty therein provided.

[Name of Director]  
Director of Inspection  
City of Livonia

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 4. Should any portion of this ordinance be held invalid for any reason, such holding shall not be construed as affecting the validity of any of the remaining portions of this ordinance.

The above ordinance was passed at the regular meeting of the Council of the City of Livonia held Monday, January 27, 2020, at 7:00 p.m.

Susan M. Nash, City Clerk

The foregoing ordinance was authenticated by me on this 29<sup>th</sup> day of January,  
2020.

Maureen Miller Brosnan, Mayor

Approved as to form:  
Paul A. Bernier, City Attorney  
Dated: January 29, 2020